

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ DEC 07 2009 ★

BROOKLYN OFFICE

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**B. F.**, an infant over the age of 14 years, by her  
natural guardian and father, **DANIEL**  
**J. FROMMELL** and **DANIEL J. FROMMELL**,

**SUPPLEMENTAL  
AFFIDAVIT**

Plaintiffs,

Docket 1:08-cv-01753  
(VVP)

-against-

**21ST CENTURY SHOWS, INC.**,

Defendant.  
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**DANIEL J. FROMMELL**, being duly sworn, deposes and says.:

I am the natural guardian and father of the infant plaintiff, **B. F.**, who was born on the 18<sup>th</sup> day of February, 1993. Said infant resides with me at 1329 47<sup>th</sup> Street, Borough of Brooklyn, City and State of New York 11219. I respectfully submit this Supplemental Affidavit, as the Court directed by Order dated November 23, 2009.

As set forth in my original affidavit, Arie Fleischer, M.D., treated my daughter for the injury she sustained in the accident. His fees were paid him directly by insurance, in the total amount of \$443.89. I was not out-of-pocket any amount.

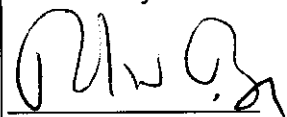
Neither I nor any other member of my family has become concerned in this application or its subject matter at the instance of the defendant, directly or indirectly, has made any claim for damages as a result of this incident, nor has received nor are to receive any compensation, directly or indirectly. In my original affidavit, I consented to discontinue my own derivative action.

Finally, the proposed distribution of the \$45,672.62 to be received from the defendant is as follows: (1) The sum of \$2391.62 to my lawyers, IROM, WITTELS,

FREUND, BERNE & SERRA, P.C., which was the total of their disbursements in prosecuting the action; (2) legal fee to my lawyers (one-third of the net) of \$14,427.00, from which they will pay the Law Offices of MURRAY RICHMAN the sum of \$4809.00; and (3) the sum of \$28,854.00 to an officer of Chase Bank and me, to be held in trust for my daughter B.F. I approve this distribution.

  
DANIEL J. FROMMELL

Sworn to before me this  
day of December, 2009



Notary Public

RICHARD W. BERNE  
Notary Public, State of New York  
No. 02BE6014912  
Qualified in Kings County  
Commission Expires October 19, 2010